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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,498	12/14/2000	Vic De Zen	DSJ-10670US	5768

7590 06/16/2006

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/735,498	Applicant(s) ZEN, VIC DE	
	Examiner Yvonne M. Horton	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 20-22 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,10,11,13,14,17-19 is/are rejected.
- 7) ☒ Claim(s) 9 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

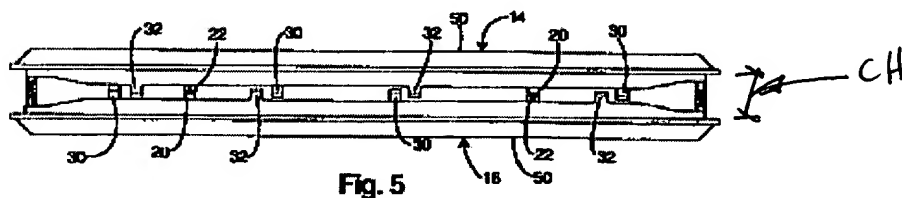
Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/21/05 has been entered.

Claim Rejections - 35 USC § 102

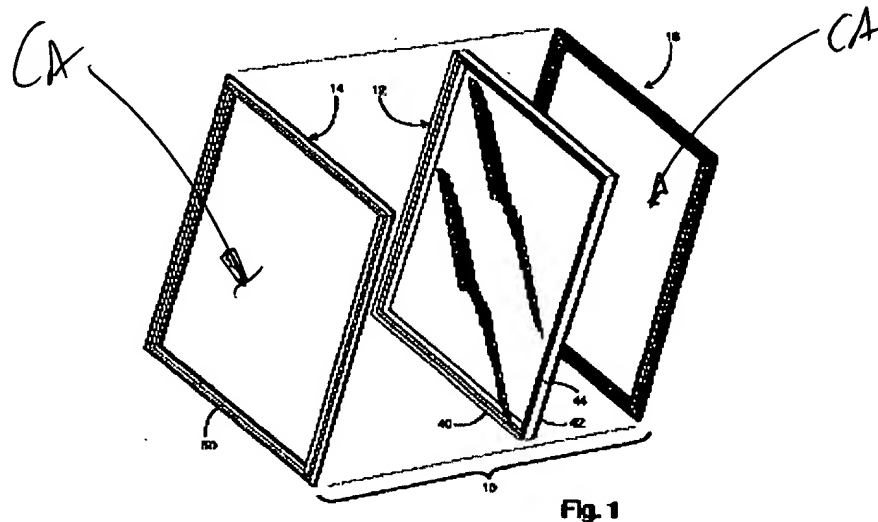
The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,2,5,7,13,14,17,18 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,922,946 to GERARD. In reference to claim 1, GERARD discloses the use of a first and second (14,16) one piece integrally molded area circumscribing frame members that fit against one another, as at (30,32) to form an area circumscribing support frame (10) defining an article retaining channel (CH), see below, formed between the first and second (14,16) frame members, wherein the



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channel (CH) opens to a circumscribed area (CA) formed there between and extending there around, see the marked figure below. Regarding claim 2, at least one of said

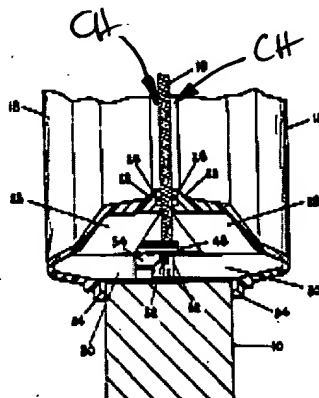


members has an integral laterally projecting peripheral wall (54,56) and (30) extending around the perimeter thereof against which the other frame member fits to form the article retaining recess or channel (CH). Regarding claim 5, the frame members (14,16) are injection molded plastic members, column 3, lines 21-25. In reference to claim 7, each of the frame members (14,16) is adapted to retain a glazing unit (12). In reference to claims 13 and 14, the first and second frame members (14,16) are formed to be brought together face-to-face to form opposite sides of a window sash with the retaining recess (CH) there between, a glazing unit (12) located between said sash sides received in said retaining recess (CH), and means (30,32) securing said molded frame members (14,16) together to interengage and retain said glazing unit (12) there between. Regarding claims 17-19, the interengaging means (30,32) are molded with the frame members (14,16) and are fitted against one another such that the

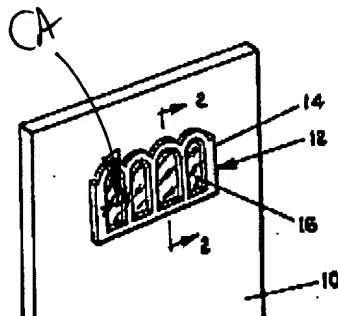
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interengaging means (30,32) are projecting formations that are bound together to resist separation.

Claims 1,3,10,17,19 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,021,967 to MULDER et al. In reference to claim 1, MULDER et al. discloses the use of a first and second (14) one piece integrally molded area circumscribing frame members that fit against one another form an area circumscribing support frame (12) defining an article retaining channel (CH), see below, formed



between wherein the channel (CH) opens to a circumscribed area (CA) formed



there between and extending there around. In reference to claim 3, both of said frame members (14) have laterally projecting outer peripheral walls (30) extending around their outer perimeters which abut when the frame members (14) are fitted together to

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define the article retaining recess (CH). Regarding claim 10, the first and second (14) frame members are configured to form face-to-face spaced opposite sides of a window frame (12) and have at an outer perimeter thereof a laterally projecting wall (30) which spaces the opposite sides of the frame members (14) from one another to defines the window unit retaining recess or channel (CH). In reference to claim 17 and 19, the laterally projecting walls (30) are interengaging means that are molded with the frame members (14) and are fitted against one another to resist separation through the use of a mating receptor (34).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,922,946 to GERARD or US Patent #4,021,967 to MULDER et al. In reference to claim 6, both GERARD and MULDER et al. discloses the basic claimed circumscribing frame members except for explicitly detailing that his frame members are compression molded. Although GERARD and MULDER et al. does not detail the method of compression molded, they both that the frame members are injection molded. However, in apparatus claims, the method of forming a device is not germane to the issue of patentability of the device. It is the final product that is given patentable consideration. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the method of forming the frame members of

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both GERARD and MULDER et al. could have included compression molding also.

Regarding claim 11, MULDER et al. discloses the use of inward lips (22,24). Although MULDER et al. is silent with respect to the width of the spaces formed between the frame members (14), it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known space width suitable for the use intended as an obvious matter of design choice. For instance, the width of the space is governed by the thickness of the glass being inserted therein.

Allowable Subject Matter

Claims 9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 16, and 20-22 are allowed.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yvonne M. Horton 06/12/06